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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Peter M. Bonutti et al.  
For : METHOD AND APPARATUS FOR  
POSITIONING A SUTURE ANCHOR  
Group Art Unit : 3731 (?)  
Examiner : T. Pham (?)  
Attorney Docket No. : BON-3306-3  
  
CLEVELAND, OHIO 44114-1400  
February 15, 2002

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

Sir:

Prior to action, please amend the above-identified application as follows:

**IN THE SPECIFICATION:**

Page 1, after the title of the application please insert the following:

**Related Application**

This application is a continuation of U.S. Patent Application Serial No. 09/533,076 filed March 22, 2000. The aforementioned Application Serial No. 09/533,076 is itself a continuation of U.S. Patent Application Serial No. 09/084,627

Filed May 26, 1998, now U.S. Patent No. 6,056,772. The aforementioned Application Serial No. 09/084,627 is itself a divisional of U.S. Patent Application Serial No. 08/764,199 filed December 13, 1996, now U.S. Patent No. 5,814,073. The aforementioned Application Serial No. 09/084,627 is also a continuation-in-part of U.S. Patent Application Serial No. 08/470,142 filed June 6, 1995. This application Serial No. 08/470,142 is also a continuation-in-part of U.S. Patent Application Serial No. 08/467,002 filed June 6, 1995, now U.S. Patent No. 5,674,240. The aforementioned applications Serial Nos. 08/470,142 and 08/467,002 are themselves continuations-in-part of U.S. Patent Application Serial No. 08/254,368 filed June 6, 1994, now U.S. Patent No. 5,573,517. The aforementioned Application Serial No. 08/254,368 is itself a divisional of U.S. Patent Application Serial No. 08/013,942 filed February 4, 1993, now U.S. Patent No. 5,320,611. The benefit of the earlier filing dates of all of the aforementioned U.S. patent applications is hereby claimed for all subject matter common to this application and any of the aforementioned applications.--

**IN THE CLAIMS**

Please cancel claims 2 – 10 and 12 – 63 without prejudice.

Please add the following claims:

64. A method of positioning an anchor relative to body tissue, said method comprising the steps of positioning an end portion of a resilient tubular member relative to body tissue with the end portion of the resilient tubular member in a closed condition at least partially blocking a postage in the resilient tubular member, resiliently expanding the resilient tubular member by moving a tubular expansion member along a passage in the resilient tubular member, operating the end portion of the resilient tubular member from the closed condition to an open condition by

applying force against the end portion of the resilient tubular member with the expansion member, and moving an anchor along a passage in the expansion member through the end portion of the resilient tubular member into the body tissue while the end portion of the resilient tubular member is in the open condition.

**REMARKS**

This Amendment is being submitted before action in order to expedite prosecution of this application.

If for any reason the Examiner believes that a telephone conference will expedite the prosecution of this application, it is respectfully requested that the Examiner call applicant's attorneys in Cleveland, Ohio at 621-2234, area code 216. Please charge any deficiency in the fees for this application to our Deposit Account No. 20-0090.

Respectfully submitted,

Calvin G. Covell  
Reg. No. 24,042

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